

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDUARDO BAUTISTA-BERROA,

Petitioner,

v.

KENNETH J. ELLWOOD,

Respondent.

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CIVIL NO. 3:CV-03-303

(Judge Caputo)

ORDER

Petitioner, Eduardo Bautista-Berroa (A77 625 572), formerly an inmate at the Allenwood Federal Correctional Institution in White Deer, Pennsylvania, commenced this action with a *pro se* petition for writ of habeas corpus filed pursuant to the provisions of 28 U.S.C. § 2241. Petitioner, a native and citizen of the Dominican Republic, was ordered removed from the United States, and he commenced the instant action to challenge his removal.

On September 16, 2005, the Court issued an Order (Doc. 14) directing the parties to notify the Court whether transfer of the action under the Real ID Act of 2005 would be appropriate. Subsequently, Petitioner's service copy of the Order was returned to the Court as undeliverable. Upon further investigation, the Court has discovered that Petitioner was removed from the United States, to the Dominican Republic, on May 4, 2005, and the Court has no forwarding address for Petitioner. Thus, neither the Court nor Respondent can communicate with Petitioner, and maintenance of this case on the Court's docket would be impractical. Therefore, the Court is satisfied that dismissal of this action,

without prejudice, is appropriate in the present circumstances to preserve judicial resources.

**ACCORDINGLY, THIS 29th DAY OF SEPTEMBER, 2005, IT IS HEREBY
ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED**, without prejudice to the rights of the parties.
2. The Clerk of Court is directed to close this case.

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge